

REMARKS

I. Introduction

Claims 7-14 are now pending in the present application. Applicants hereby respectfully request reconsideration in view of the following explanation.

Applicants note with appreciation the acknowledgment of the claim for foreign priority, and the indication that all certified copies of the priority documents have been received.

II. Rejection of Claims 7 -14 under 35 U.S.C. §102(e)

Claims 7-14 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,748,682 (“Sims”). Applicants respectfully submit that the rejection should be withdrawn for at least the following reasons.

In order to reject a claim under 35 U.S.C. §102(e), the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. (See Scripps Clinic & Research Foundation v. Genentech, Inc., 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary skill in the art to practice the claimed subject matter. (See Akzo, N.V. v. U.S.I.T.C., 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986)). To the extent that the Examiner may be relying on the doctrine of inherent disclosure, the Examiner must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Int’f. 1990)). Thus, the M.P.E.P. and the case law make clear that simply because a certain result or characteristic may occur in the prior art does not establish the inherence of that result or characteristic.

Claim 7 recites, in relevant parts, a “method for outputting text information via a display unit of a driver information system in a vehicle, . . . the method comprising: adapting the text information to be output, depending on the predetermined display

capacity of the display unit.” Claim 14 recites substantially similar features as the above-recited features of claim 7.

In contrast to the above-recited claimed features, the disclosure of Sims has absolutely nothing to do with “adapting the text information to be output **[via a display unit of a driver information system in a vehicle]**, depending on the predetermined display capacity of the display unit”; instead, Sims merely discloses attaching **an exterior message panel adjacent to a license plate on a bumper of a vehicle.** To the extent the Examiner is implicitly arguing that the exterior message panel disclosed by Sims is somehow equivalent to the claimed **display unit of a driver information system in a vehicle**, there is no reasonable basis for this interpretation since the exterior message panel is clearly **not part of a driver information system, let alone located within the vehicle.**

For at least the reasons stated above, claims 7 and 14, as well as dependent claims 8-13, are allowable over Sims. Withdrawal of the anticipation rejection is requested.

Conclusion

In view of the foregoing, it is respectfully submitted that pending claims 7-14 are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is respectfully requested.

Respectfully submitted,

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